



Protecting Your Family



An Estate Planning Guide
For Parents and Grandparents



Nick Niemann, JD, CEPA

McGrath | North
ATTORNEYS



www.ProtectingOurFamily.com

12 Reasons Why Families And Their Trusted Advisors Like To Engage Or Recommend Nick For Their Estate Planning

- 1. Protection.** I address the protections which you need as parents and grandparents to protect yourself and your families.
- 2. Peace of Mind.** This is the most frequent comment to me by parents and grandparents after signing their Estate Plan.
- 3. Confidence.** Over 34 years of experience in Estate Planning results in confidence in my recommendations.
- 4. Perspective.** I am a parent of 6 and grandparent of 14. So, I share your perspective. This helps me to recommend the optimum steps you need to take.
- 5. Mutual Trust.** My clients trust that I am looking out for your best interests.
- 6. Understanding.** With over 34 years of experience, I have seen and have professionally handled most special needs or situations which arise in protecting families.
- 7. Collaboration.** I will work closely with your other advisors.
- 8. First Meeting.** Our first meeting is no charge, no commitment. If you decide not to proceed, there is no fee for our initial meeting.
- 9. Fee Quote.** At the end of our first meeting, I will provide you a fee quote based on the Estate Plan which you need.
- 10. Credentials.** I am a member of the Omaha Estate Planning Council and have been selected to Best Lawyers in America for Trusts and Estates. I have achieved the highest rating (AV-Preeminent) by the National Attorney Peer Review organization of Martindale Hubbell.
- 11. Wrote The Book.** I wrote the book on Estate Planning called "The Next Move For Families", a copy of which is given to each of my Estate Planning clients.
- 12. Commitment.** I do not rest until the job is done.

Dear Parents and Grandparents:

When my Grandfather died unexpectedly in his sleep at age 69, I learned as a 13 year old child the value which my Grandfather put into protecting his family. As a Father of 4 and Grandfather of 35, he understood the need to have a great Estate Plan in place - to be ready for both the expected and unexpected. And as the owner of a supermarket business and family farm, he also understood the many reasons for having a great Business Succession Plan.

I took his example seriously by focusing my studies in Business College and Law School on how to best protect families and the businesses and family farms on which those families depend. After winning the Senior Estate Planning Contest and the American Jurisprudence top awards for Estate Planning, Trusts and Wills in Law School, I designed my first Estate Plan and Business Succession Plan as a young attorney in 1981.

Now after 34 years, I've had the privilege of helping to protect thousands of grandparents and parents and their children and grandchildren with Estate Plans and Business Succession Plans specifically designed for each of their unique and special objectives, hopes and dreams.

My commitment to you:

- To work closely with you to decide exactly what you need to do to protect you and your loved ones.
- To carefully select from all of the Estate Planning options available only what you will need to protect you and your loved ones.
- To work closely with your other advisors (such as your financial and insurance advisors and CPA).
- To discuss up front the value of this protection to you and your family, as well as the fee for accomplishing this.
- To design, prepare and send you a draft of your Estate Plan within two weeks of your decision for me to proceed (which normally means within two weeks from the date of our first meeting).

I have seen too often the problems which occur when parents or grandparents have not taken the time to protect their families with a great Estate Plan or Business Succession Plan. My mission is to see that those problems don't occur on my watch.

Sincerely,

Nick Niemann

Nick Niemann, JD, CEPA
Partner, McGrath North Law Firm
Omaha, Nebraska



How To Make An Estate Plan Appointment

If you would like to make an Estate Plan appointment for yourself, please give me a call at 402-633-1489.

How To Make An Estate Plan Referral

If you would like to recommend me to a friend, colleague, family member or client, please give me a call at 402-633-1489.

What To Expect At Your Estate Plan Appointment

- We can meet at my office or at the office of your Trusted Advisor who recommended me to you.
- We will discuss your Family and Financial background and objectives needed for me to determine the best Estate Planning options and protection for you.
- We will discuss the value of this protection for you, the fee for accomplishing this, and whether you wish to proceed.
- Our appointment will take about an hour and a half.

Common Estate Planning Questions



“Do I Already Have An Estate Plan?”

Everyone has an Estate Plan. The real question is whether your Estate Plan will accomplish what is needed for you and your family.

Most people already have one of the following Estate Plans:

- **A Government Estate Plan** - When you have no Will or Trust, the State statutes control what happens to you upon disability or death and who will receive your Estate. This is known as intestacy.
- **A Simple Will Estate Plan** - This typically leaves your Estate to your spouse and then directly to your children. It requires Probate Court intervention and can waste one of your Estate Tax Exemptions. It also results in distribution to children and grandchildren before they are financially responsible.
- **A Joint Tenancy Estate Plan** - This is when your assets are titled in “joint tenants with rights of survivorship.” This means upon your death, your Estate goes to the survivor (generally your spouse). Typically, this results in Probate on the second death and can waste one of your Estate Tax Exemptions. It also doesn’t deal with distributions to children and grandchildren after the death of both spouses. This is sometimes used together with a Government Estate Plan or a Simple Will Estate Plan.
- **A Living Trust Estate Plan** - This is the most effective solution being used today. The main feature is a Living Trust (also known as a Revocable Trust), which can be used, among other things, to protect your assets upon your death for your spouse, children and grandchildren, to avoid Probate Court and to obtain the full benefit of both Estate Tax Exemptions.

“What Is Estate Planning?”

Estate Planning means fixing your present Estate Plan to help ensure that:

1. You and your spouse keep control while alive and well;
2. You, your spouse, your children and your grandchildren are protected if you are disabled;
3. You and your spouse have protected your retirement income;
4. Upon your death your spouse, children and grandchildren are provided for and protected;
5. Upon both of your deaths, your property goes to who you want, when you want and how you want; and
6. All of this occurs at the lowest possible tax and other cost to you and your family.

“Why Be Concerned With Estate Planning?”

It’s up to you to have an Estate Plan that protects you, your spouse, your family and your life savings. The failure to do the correct Estate Plan can end up costing a family thousands of dollars in extra probate costs, unnecessary estate taxes, wasted exemptions, investment mismanagement, family disputes, creditor claims and/or child mispending of inheritance funds.

“Do I Have An Estate?”

You have an Estate if you own any property. Whether your Estate is large or small, it is your Estate. It’s up to you to see that whatever amount you have worked to save can be best preserved for your spouse and your family.

“What’s Included In My Estate?”

Your Estate includes the full fair market value of everything you own, such as your:

- Home
- Bank Accounts
- Household Items
- Personal Possessions
- Stocks & Bonds
- Retirement Plan
- Life Insurance
- Real Estate
- Family Business
- Family Farm
- Automobiles
- All Other Assets

“When Is Life Insurance Used In Estate Planning?”

Life insurance is a tremendous product that, when properly purchased and utilized, has the ability to protect your savings, create wealth, replace wealth, support you and your loved ones and/or pay for taxes and expenses that you’d rather not have to pay for or may be unable to pay for. Without proper insurance coverages, you are taking on needless and irresponsible risks for yourself and your family.

Life insurance is one of the best tools for accomplishing the main objective in Estate Planning, that is, providing savings, protection, opportunities and peace-of-mind to families.

Some of the uses of the various types of life insurance in Estate Planning include the following:

- | Personal | Business |
|-----------------------------------|----------------------------------|
| • Expense Coverage | • Key Employee Loss Coverage |
| • Income Replacement | • Buy-Sell Agreement |
| • Mortgage Payoff | • Key Employee Benefit |
| • Wealth Creation | • Deferred Compensation |
| • Investment Stability and Growth | • Salary Continuation |
| • Estate Equalization | • Retirement Plan Funding |
| • Death Tax Payment | • Business Interruption Coverage |
| • Education Expense Coverage | • Business Owner Transitions |

“What Additional Estate Plan Actions May Be Needed For Business Owners?”

To help address the business owner’s specific Estate Planning issues, you may need to consider the use of the following additional Estate Plan provisions:

- Special Bequest to Business-Active Children
- Non-Active Children Equalization
- Family Business Representative
- Business Sale Instructions
- Successor CEO
- Contingency Plan Notifications
- “Sweat” Equity Allocation
- Dispute Resolution
- Financial Resource Reserve
- Family Council
- Business Key Person Life Insurance
- Business Buy-Out Life Insurance
- Succession & Exit Plan Matters

Estate Planning Check-Up

Is your present Estate Plan correct for your present situation? Is it up-to-date? When should you have an Estate Plan Check-Up? The following is a list of some of the main Estate Plan Check-Up actions you need to take or consider upon each of these 12 life events. Place a by those items you need to address or wish to discuss.



Marriage

- Revise Estate Plan to add Spouse as beneficiary.
- Name Spouse as new appointee for Financial Power of Attorney and Health Care Power of Attorney.
- Acquire Life Insurance and Disability Insurance to provide for spouse and children.
- Sign Estate Planning Letter.



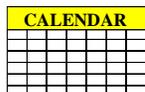
First Child

- Revise Estate Plan to add child as beneficiary.
- Designate Guardian for child in your Will.
- Increase Life Insurance and Disability Insurance.
- Revise Estate Planning Letter for Child Care.



Residency Change

- Revise Estate Plan to meet requirements for new State.
- Consider impact of new State's estate and inheritance tax.
- If expecting to sell certain investments or business consider if this is best before or after residency change, to manage income tax impact.



Every 4 - 5 Years

- Revise Estate Plan due to changes in desired appointees for your Living Trust (trustees), Will (Executor/Personal Representative), Financial Power of Attorney (Agent), Health Care Power of Attorney (Agent).
- Revise persons (families, charities, etc.) or times you desire for distributions from your Living Trust upon your death (in order to best protect or provide for your family).
- Establish or modify your education funding.
- Establish or modify your charitable bequests.
- For business owners, adopt, review or revise your Succession Plan or Exit Plan.
- Make sure you have titled your assets to your Living Trust.
- Update life, disability and long-term care insurance.
- Make sure life and disability insurance and retirement plan beneficiary designations are up-to-date and correctly name your Living Trust where applicable.
- Review retirement projections with financial advisor.
- Confirm assets are appropriately balanced between spouses.
- Make sure Life Insurance Trust is being properly kept up.
- Confirm your adult children's Estate Plans are handled.
- Update your Personal Asset Protection Plan.



Divorce

- Revise Estate Plan where spouse had been named as appointee or beneficiary.
- Revise Estate Plan to adjust coverage for children.



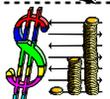
Major Health Change

- Revise Estate Plan to provide for special needs.
- Make sure persons named as appointees to address your financial and health care issues are informed.
- Make sure Health Care Power of Attorney and Health Care Directive are current.
- Make sure Financial Power of Attorney is current.



Second Marriage

- Revise Estate Plan to name Spouse and address other matters which arise from a second marriage.
- Revise Estate Plan to address yours/hers children situations.



Major Estate \$ Change

- Revise Estate Plan to address changes to plan for distribution of estate.
- Address Estate and Gift tax planning strategies.
- Address investment management needs.



Law Change

- Address revisions to Estate Plan due to estate, trust and health care law changes.
- Address new tax planning due to tax law changes.



Retirement

- Determine pre-Nursing Home planning to address assets to be utilized for care.
- Review retirement plan elections.
- Update Estate Planning letters (e.g. for gifts of personal items and funeral wishes).
- Determine Nursing Home, assisted living or home care alternatives and costs.



Nursing Home

- Revise appointees under Living Trust, Will, Financial Power of Attorney and Health Care Power of Attorney.
- Update Health Care Directive (Living Will).



Family Death

- Address post-death estate and trust asset transfers, Federal and State estate tax returns, county inheritance tax return, post-mortem elections and tax planning, post-death income tax returns and determination if Death Probate is needed.
- Revise Estate Plan of surviving spouse due to changes in desired appointees for your Living Trust (trustees), Will (Executor/Personal Representative), Financial Power of Attorney (Agent), Health Care Power of Attorney (Agent) .
- Revise persons or times you desire for distributions from surviving spouse's Living Trust upon death.

Personal Information

(Private and Confidential)



Family Information	Husband (or Single)	Wife
Name		
Home Address		
Home Telephone Number		
Cell Telephone Number		
Email Address		
Date of Birth/Age		
Social Security Number		
Place of Birth		
State of Residency		
Citizenship		
Occupation		
Employer Name		
Address		
Telephone Number		
Retired? - When		
Date of Marriage		
Place of Marriage		
Prior Marriage		
Divorce? - When		
Court/Settlement Restrictions		
Widow/Widower? - When		
Health Concerns?		

Children

Name		Name		Name	
DOB/Age		DOB/Age		DOB/Age	
City/State		City/State		City/State	
Spouse		Spouse		Spouse	
# of Children		# of Children		# of Children	
Name		Name		Name	
DOB/Age		DOB/Age		DOB/Age	
City/State		City/State		City/State	
Spouse		Spouse		Spouse	
# of Children		# of Children		# of Children	

(If child of Husband only, add (H), if Wife only, add (W); if adopted, add (A) (or (AH) or (AW) if only adopted by one)

Advisors

Accountant/CPA		Family Physician	
Address		Address	
Phone		Phone	
Insurance Advisor		P&C Advisor	
Address		Address	
Phone		Phone	
Broker/Fin. Planner		Banker	
Address		Address	
Phone		Phone	

Special Items

Any prenuptial or postnuptial agreement in effect? If yes, provide copy.

Any child with special needs or health concerns? If yes, we can discuss at our meeting.

Are you the settlor/grantor, beneficiary or trustee of any Trust? If so, provide copy.

Any previous residence in any of the following community property states (Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington or Wisconsin) while married to current spouse? If yes, specify: _____

If you own a business, do you have a Business Continuity and Succession Plan? Circle One: Yes No N/A. If yes, provide copy.

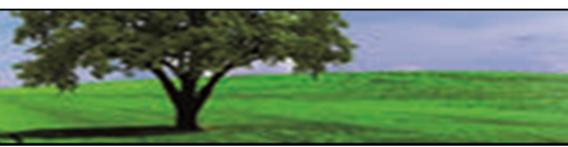
Want to receive our firm's Tax/Estate Plan Newsletter at no charge? Circle One: Yes No. If yes, specify your email address: _____



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Financial Information

(Private and Confidential)



Name: _____

Date: _____, 20__

Personal Balance Sheet (fill in or attach your own version)

<u>Assets</u>	Husband	Wife	Joint	Total
Cash	\$ _____	\$ _____	\$ _____	\$ _____
Investments	_____	_____	_____	_____
Retirement Plans	_____	_____	_____	_____
Home	_____	_____	_____	_____
Vacation Home	_____	_____	_____	_____
Company or Farm #1 (___%)	_____	_____	_____	_____
Company or Farm #2 (___%)	_____	_____	_____	_____
Real Estate	_____	_____	_____	_____
Partnerships (___%)	_____	_____	_____	_____
Life Ins.-from Company	_____	_____	_____	_____
Life Ins.-Personal	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
<u>Debts</u>				
Less: (Mortgage)	(_____)	(_____)	(_____)	(_____)
(Tax on Retire. Plan)	(_____)	(_____)	(_____)	(_____)
(Tax on Company Sale)	(_____)	(_____)	(_____)	(_____)
(Other Debts)	(_____)	(_____)	(_____)	(_____)
Total - Estimated Net Worth	\$ _____	\$ _____	\$ _____	\$ _____

Personal Insurance Report

Life Insurance

Fill In	Insurance Company	1 st Benef.	Cash Value	Death Benefit
<input type="checkbox"/> H <input type="checkbox"/> W				
<input type="checkbox"/>	_____	_____	\$ _____	\$ _____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
	TOTAL		\$ _____	\$ _____

Disability Insurance

Fill In	Insurance Company	1 st Benef.	Wait Period	Monthly Benefit
<input type="checkbox"/> H <input type="checkbox"/> W				
<input type="checkbox"/>	_____	_____	_____	\$ _____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____	_____
	TOTAL			\$ _____

Long Term Care Insurance

Fill In	Insurance Company	Ben. Period	Wait Period	Monthly Benefit	
<input type="checkbox"/> H <input type="checkbox"/> W				N. Home	Home
<input type="checkbox"/>	_____	_____	_____	\$ _____	\$ _____
<input type="checkbox"/>	_____	_____	_____	\$ _____	\$ _____
				\$ _____	\$ _____

Umbrella Insurance

Insurance Company	Amount
_____	\$ _____



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